



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

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Dear Coordinators:

Thank you for the submission of your local Network Continuous Improvement Plan and grant application materials for State Fiscal Year 2008. As you probably know, under IDEA sections 616 and 642, each state has a State Performance Plan (SPP) that evaluates the state's efforts to implement the requirements and purposes of Part C of the IDEA and describes how the state will improve its implementation of Part C. In addition, each state is required to submit an Annual Performance Report (APR) that describes the state's 1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and 2) any revisions to the state's targets, improvement activities, timelines, or resources in the SPP and justifications for the revisions.

As part of OSEP's performance evaluation process, states are required to make determinations of each Part C Early Intervention Services (EIS) program within the state. The requirements of each state are as follows:

- States are required to enforce the IDEA by making "determinations annually under IDEA section 616(e) on the performance of each EIS program under Part C.
- States must use the same four categories in IDEA section 616(d) as OSEP in making determinations of the status of EIS programs. These categories are:
 - 1) Meets requirements: No action taken
 - 2) Needs assistance: If this occurs for two consecutive years, the state must take one or more of the following enforcement actions:
 - Advise programs of available sources of technical assistance to address areas on which the program needs assistance; or
 - Identify programs as high risk grantee and imposing conditions on use of funds.
 - 3) Needs intervention
 - Require the program to prepare or implement a corrective action plan to correct the identified area(s); or
 - Withhold, in whole or in part, further payments to programs.
 - 4) Needs substantial intervention
 - Withhold, in whole or in part, any Part C funds.
- States **MUST** consider:
 - 1) Performance on compliance indicators
 - 2) Whether data submitted by EIS programs are valid, reliable, and timely
 - 3) Uncorrected noncompliance from other sources
 - 4) Any audit findings
- In addition, states could also consider
 - 1) Performance on performance indicators
 - 2) Other information

In addition to the minimum enforcement actions noted above, a state may use any other enforcement mechanisms and actions available to it (such as those included in state rules, regulations, or policies) to enforce the IDEA. For example, a state may advise an EIS program of available technical assistance on

areas on which the program needs assistance after the first year the program is identified as needing assistance, or require more rigorous reporting on the area needing improvement.

The SPP/APR indicators that will be used to make determinations are the compliance indicators (#1, #7, and #8) and the performance indicators (#2, #5, and #6). Local programs will be measured on:

- Program performance
- Meeting targets
- Submission of timely, valid, and reliable data
- Uncorrected noncompliance issues
- Audit findings

The results of the determinations will be publicized on KDHE's website and will be reported to each local program. In future reports, this will be completed as soon as possible after issuing the APR to the public. Please note that determinations will not take into account any subsequent corrective action that a local program has taken following KDHE's response to NCIP and grant submissions. Such data/information will be reflected in the subsequent determination process.

If you have any questions, please feel free to contact me at (785) 296-6136.

Sincerely,

Carolyn Nelson
Acting Coordinator
Kansas Infant-Toddler Services